

04-15-'04 17:21 FROM-Lerner & Greenberg +9549251101
Appl. No. 09/541,722
Amdt. Dated April 15, 2004
Reply to Office Action of January 15, 2004

T-330 P02/07 U-440

REMARKS

Reconsideration of the application is requested.

Applicant appreciatively acknowledges the Examiner's confirmation in item 1 on page 2 of the Examiner's receipt and consideration of applicant's IDS submitted on October 24, 2003.

Claims 1-15 are now in the application.

In "Claim rejections - 35 U.S.C. § 102" item 6 on page 3 of the above-identified final Office Action, claims 1, 2, 4, 5 and 15 have been rejected as being fully anticipated by U.S. Patent No. 5,421,017 to Scholz, et al. (hereinafter SCHOLZ) under 35 U.S.C. § 102(a, b).

In "Claim rejections - 35 U.S.C. § 103" item 8 on page 6 of the above-identified final Office Action, claims 3, 6-14 have been rejected as being obvious over SCHOLZ in view of U.S. Patent No. 5,619,716 to Nonaka et al. (hereinafter NONAKA) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form

and, therefore, the claims have not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a responsive system for digital signal processing including:

a plurality of data processing units communicating with one another through a data transmission unit, the data processing units implementing at least one computer program dependent on a respective update status, the system be configured as follows:

each of the data processing units **assigning a revision identity to signals produced by the data processing unit**,

one of the data processing units **comparing the revision identity of a received signal with a stored revision identity stored for that received signal to determine if the revision identity matches and executing the at least one computer program on the received signal upon matching the revision identity and otherwise not executing the processing associated with the at least one computer program on the received signal.**

Claim 5 calls for, *inter alia*, a method for operation of a responsive system for digital signal processing, including:

providing a plurality of data processing units communicating with one another through a data transmission unit;

implementing at least one computer program depending on a respective update status in the data processing units;

producing a signal with one of the data processing units and **assigning a revision identity to the**

Appl. No. 09/541,722

Amdt. Dated April 15, 2004

Reply to Office Action of January 15, 2004

signal characterizing an update status of the signal, for each communication; and

comparing the revision identity of the received signal with a revision identity stored for that received signal in one of the data processing units receiving a signal.

The **SCHOLZ** reference discloses a real time control system and method for replacing software during operation in a controlled system. **SCHOLZ** is directed to maintaining comparable revision status in computer components or modules, not to individual signals as claimed in claims 1, 5, and 15 of the instant application. In fact, the section identified by the Examiner on page 4 of the above-identified Office Action (col. 4, lines 1-8) only indicates that for an event, such as a subscriber picking up a telephone receiver, a stream of data associated with the event "are provided with a version identifier UT" that is used to collect the related data. **SCHOLZ** clarifies that "whether the actions or communications following an event of this event type are to be implemented [by] the new software or the old software is determined by the version identified in the sequential messages" (Col 4, 13-16). More importantly, **SCHOLZ** expressly states that the version identifiers refer to the "event sources" and not to the individual signals. (see e.g., col. 4, lines 1-16).

In component-based systems, such as **SCHOLZ** and **NONAKA**, it is often necessary to update the entire module or component before communication can be established between modules on the server and client machine. Unfortunately, communication between modules is completely suppressed if no compatibility with regard to identity can be determined. As such, the communications between the components or modules often come to a halt so that the component or module versions may be updated to ensure reliable processing within the system. In contrast, the instant application does not suppress all communication between two modules or components, but if necessary, may provide signal specific suppression of individual signals.

Clearly, **SCHOLZ** does not show "assigning a revision identity to a signal produced by said data processing unit" as recited in claim 1 of the instant application. Nor does **SCHOLZ** show "performing a comparison to determine if the revision identity characterizing the received signal matches a revision identity stored for that signal" as recited in claim 1 of the instant application.

Moreover, **SCHOLZ** does not show "producing a signal with one of the data processing units, and assigning a revision identity to the signal characterizing an update status of the

Appl. No. 09/541,722
Amdt. Dated April 15, 2004
Reply to Office Action of January 15, 2004

signal, for each communication" as recited in claim 5 of the instant application. Furthermore, **SCHOLZ** does not teach or suggest determining "if the revision identity characterizing the received signal matches a revision identity stored for that signal" as recited in claim 5.

As previously discussed in our previous amendment filed October 20, 2003, **NONAKA** does not overcome the deficiencies illustrated in **SCHOLZ**.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1 or claim 5. Claim 1 and claim 5 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on either claim 1 or claim 5.

In view of the foregoing, reconsideration and allowance of claims 1-15 are solicited.

In the event the Examiner should still find any of the remaining claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

04-15-'04 17:23 FROM-Lerner & Greenberg +9549251101
Appl. No. 09/541,722
Amdt. Dated April 15, 2004
Reply to Office Action of January 15, 2004

T-330 P07/07 U-440

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

Kyle H. Flindt
For Applicant

Kyle H. Flindt
Reg. No. 42,539

KHF:cgm

April 15, 2004

Lerner and Greenberg, P.A.
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100
Fax: (954) 925-1101